

1 BARRY J. PORTMAN
Federal Public Defender
2 ERIC MATTHEW HAIRSTON
Assistant Federal Public Defenders
3 19th Floor Federal Building – Box 36106
450 Golden Gate Avenue
4 San Francisco, CA 94102
Telephone: (415) 436-7700
5
6 Counsel for Defendant
JAVIER BAILON-HERNANDEZ

7
8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JAVIER BAILON-HERNANDEZ,

16 Defendant
17 _____

)
) No. CR 08-00012 PJH
)

) DECLARATION OF ERIC M. HAIRSTON
) REGARDING INTERPRETER
) CERTIFICATION OF PLEA AGREEMENT
)
)
)
)
)
)
)
)
)

1 I, Eric M. Hairston, declare as follows:

2 1. I am an Assistant Federal Public Defender for the Northern District of California. I make
3 this declaration regarding the plea agreement executed by Javier Bailon-Hernandez before
4 this court on March 5, 2008 (the "Plea Agreement"). I have knowledge of the facts set
5 forth below and, if called as a witness in this matter, could and would competently testify
6 to them.

7 2. I hereby declare that court-certified Spanish interpreter Carol Rhine-Medina completed
8 translating the Plea Agreement for Mr. Bailon-Hernandez on February 25, 2008, and that
9 I witnessed Ms. Rhine-Medina execute the interpreter certification found on the signature
10 page of the Plea Agreement on that date.

11 3. On or about February 26, 2008, I received an updated draft of the Plea Agreement from
12 the Assistant United States Attorney on the case. With the exception of a corrected
13 typographical error on the second page, the updated draft was substantially identical to
14 the prior version. I placed the updated draft of the Plea Agreement in my case file and
15 discarded the prior version, including (mistakenly) the signature page bearing Ms. Rhine-
16 Medina's executed interpreter certification.

17 4. Attached hereto as Exhibit A is a true and correct copy of the signature page to the Plea
18 Agreement. The signature page bears the signature of Ms. Rhine-Medina, certifying that
19 she accurately translated the Plea Agreement to Javier Bailon-Hernandez. Ms. Rhine-
20 Medina's signature is dated March 6, 2008 to reflect the date that she executed the
21 updated draft of the plea agreement.

22 5. I hereby declare that Ms. Rhine-Medina translated the entire plea agreement, with the
23 exception of the later-corrected typographical errors, for Mr. Bailon-Hernandez prior to
24 his execution of the document. As the Court is aware, the subsequent corrections to the
25 second page of the document were translated and initialed by court-certified Spanish
26 interpreter Melinda Basker on the date that Mr. Bailon-Hernandez entered his guilty plea.

1 I declare under penalty of perjury that the foregoing is true and correct. Signed this 6th
2 day of March, 2008 in San Francisco, California.

3
4 Dated: March 6th, 2008

5 Respectfully submitted,

6 BARRY J. PORTMAN
7 Federal Public Defender

8 /s/
9 ERIC MATTHEW HAIRSTON
10 Assistant Federal Public Defender
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Exhibit A

proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or threatened me to enter into this Agreement.

19. I confirm that I read this entire plea agreement with the assistance of an interpreter and in the presence of my attorney.

Dated: _____

JAVIER BAILON-HERNANDEZ
Defendant

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: _____

ERIKA R. FRICK
Assistant United States Attorney

I have fully explained to my client all the rights that a criminal defendant has and all the terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all the rights he is giving up by pleading guilty, and, based on the information now known to me, his decision to plead guilty is knowing and voluntary.

Dated: _____

ERIC MATTHEW HAIRSTON
Attorney for Defendant

INTERPRETER CERTIFICATION

CAROL F. HIDE-MEDISA, hereby certify that I am a certified Spanish language interpreter and that I accurately translated this plea agreement to the defendant, he told me that he understood it, and I believe his answer was true and correct.

Dated: March 6, 2008

[Signature]
Interpreter's signature